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CENTRAL VALLEY EDEN ENVIRONMENTAL DEFENDERS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CENTRAL VALLEY EDEN  
ENVIRONMENTAL DEFENDERS, LLC, a  
California limited liability company,  
Plaintiff,  
vs.  
FRESNO FAB-TECH, INC., a California  
corporation; and DOES 1-10, inclusive,  
Defendants. ) Case No.: 1:22-CV-01535-SKO  
 ) JOINT NOTICE OF SETTLEMENT and  
 ) STIPULATION TO VACATE ALL  
 ) COURT DATES; [PROPOSED] ORDER

Plaintiff Central Valley Eden Environmental Defenders, LLC (“Plaintiff”) and Defendant FRESNO FAB-TECH, INC. (“Defendant”) hereby submit this Joint Notice of Settlement and [Proposed] Order vacating all trial dates.

WHEREAS, on June 8, 2022, Plaintiff provided Defendant with a Notice of Violations and Intent to File Suit (“Notice”) under Clean Water Act Sections 1251 et seq.

WHEREAS, on November 29, 2022, EDEN filed its Complaint against Defendant in this Court, which incorporates by reference the allegations contained in Plaintiff's Notice.

WHEREAS, Plaintiff and Defendant (the “Settling Parties”), through their authorized representatives and without either adjudication of Plaintiff’s claims or admission by Defendant of any alleged violation or other wrongdoing, have chosen to resolve in full by way of settlement

1 the allegations of Plaintiff as set forth in the Notice and Complaint, thereby avoiding the costs  
2 and uncertainties of further litigation.

3 WHEREAS, once the Settlement Agreement is finalized, the Settling Parties will submit  
4 their Settlement Agreement to the U.S. Environmental Protection Agency and the U.S.  
5 Department of Justice (the “federal agencies”) for a mandatory 45-day statutory review period,  
6 consistent with 33 U.S.C. Section 1365(c) and 40 C.F.R. Section 135.5.

7 On the expiration of the federal agencies’ review period, and if there is no objection  
8 lodged by the federal agencies, the Settling Parties will stipulate to and request an order from this  
9 Court dismissing with prejudice Plaintiff’s claims as to Defendant, as set forth in the Notice and  
10 Complaint.

11 Consequently, the Settling Parties submit that good cause exists to vacate any and all  
12 existing deadlines and obligations in this case, including responsive pleadings, and to set May 1,  
13 2024, as the deadline for the filing of the Settling Parties’ aforementioned stipulation and  
14 proposed order, or a Notice that the settlement will not proceed with proposed new case-related  
15 deadlines.

16 Dated: March 1, 2024

Respectfully,

18 By: /S/ Adam D. Brumm  
19 Adam D. Brumm  
20 Attorney for Plaintiff

21 Dated: March 1, 2024

Respectfully,

23 By: /S/ Richard Harris  
24 Richard Harris  
25 Attorney for Defendant

## [PROPOSED] ORDER

Good cause appearing, IT IS HEREBY ORDERED that any and all existing deadlines and obligations in this case, including case management dates, are vacated, and by May 1, 2024, Plaintiff CENTRAL VALLEY EDEN ENVIRONMENTAL DEFENDERS, LLC, and Defendant FRESNO FAB-TECH, INC. are to file a stipulation to dismiss this matter with prejudice and proposed order, or a Notice that the settlement will not proceed, with proposed new case-related deadlines.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2024

By: \_\_\_\_\_  
Honorable Sheila K. Oberto  
**UNITED STATES MAGISTRATE JUDGE**